

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CAST NYLONS CO., LTD.,

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,

Defendant.

Case No.:

Judge:

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1332, Defendant Federal Insurance Company hereby removes this action from the Common Pleas Court of Lake County, Ohio, Case No. 22CV001053, to the United States District Court for the Northern District of Ohio, Eastern Division. As grounds for removal, Defendant states the following:

1. On August 16, 2022, Plaintiff Cast Nylons Co., LTD. filed a Summons and Complaint in the Common Pleas Court of Lake County, Ohio, in a case captioned *Cast Nylons Co., LTD., v. Federal Insurance Company*, No. 22CV001053 (the “***State Action***”). A true and correct copy of the State Action Summons and Complaint (collectively referred to as the “***Complaint***”) are attached hereto as Exhibit “A”.

2. Defendant filed a Notice of Filing Notice of Removal to Federal Court (hereinafter “***Notice of Filing***”) in the State Action. Other than the Complaint and Notice of Filing, no other pleadings have been filed in the State Action.

3. Defendant has not filed an answer or other responsive pleading in the State Action.

4. Defendant was served with the Complaint on August 25, 2022. Therefore, this Notice of Removal is timely filed in accordance with 28 U.S.C. §1446(b), as it is brought within thirty days of service of the Complaint on Defendant.

5. The State Action Complaint asserts two state law causes of action: (1) breach of contract; and (2) bad faith.

6. Plaintiff generally avers that it suffered damages after Defendant denied Plaintiff's insurance coverage claim for its losses related to a property insurance policy. (See Complaint at ¶¶ 6, 12).

7. Plaintiff is an Ohio company with its principal place of business located at 4300 Hamann Industrial Parkway, Willoughby, Ohio. (See Complaint at ¶1).

8. For the purposes of determining diversity of citizenship, Plaintiff is a citizen of Ohio.

9. Defendant is an Indiana company with its principal place of business in New Jersey.

10. For purposes of determining diversity of citizenship, Defendant is a citizen of New Jersey and Indiana.

11. This Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1332(a) because the matter in controversy in the State Action exceeds \$75,000, exclusive of interest and costs and is between citizen of different States.

12. Because this Court has original jurisdiction of this action, removal is proper under 28 U.S.C. § 1441(a).

13. Pursuant to 28 U.S.C. §1446(d), contemporaneous with this filing, Defendant is serving a copy of this Notice of Removal upon Plaintiff and filing a copy with the Clerk for the Court of Common Pleas, Lake County, Ohio.

14. Removal to this Court is proper under 28 U.S.C. § 1441(a) because The United States District Court for the Northern District of Ohio, Eastern Division is the district and division embracing the place where the State Action is pending: Lake County, Ohio.

15. Defendant reserves the right to supplement this Notice of Removal and/or to present additional arguments in support of their entitlement to removal if challenged.

16. Removal is hereby effected without waiver of any challenges that Defendant may have to personal jurisdiction, venue, or service of process. Further, no admission of fact, law, or liability is intended by this Notice of Removal, and all defenses, affirmative defenses, and motions are hereby reserved.

WHEREFORE, Defendant, Federal Insurance Company, hereby gives notice of the removal of the above-referenced State Action now pending in the Common Pleas Court of Lake County, Ohio, to the United States District Court for the Northern District of Ohio.

Respectfully submitted,

/s/Thomas P. Mannion

Thomas P. Mannion, Esq. (0062551)

Daniel A. Leister (0089612)

LEWIS BRISBOIS BISGAARD & SMITH LLP

1375 E. 9th Street, Suite 1600

Cleveland, Ohio 44114

Tel. 216.344.9422

Fax 216.344.9421

Tom.Mannion@lewisbrisbois.com

Dan.Leister@lewisbrisbois.com

Counsel for Defendant Federal Insurance Company

CERTIFICATE OF SERVICE

A copy of the foregoing has been filed electronically filed with the Court this 22nd day of September, 2022, and will be served upon the following parties via email and via this Court's electronic notification system:

Anthony F Stringer (0071691)
K. James Sullivan (0074211)
Thomas I. Michals (0040822)
Calfee, Halter, & Griswold LLP
The Calfee Building
1405 E. Sixth St,
Cleveland, Ohio 44114
astringer@calfee.com
kjsullivan@calfee.com
tmichals@calfee.com
Attorneys for Plaintiff

/s/Thomas P. Mannion
Thomas P. Mannion (0062551)
Counsel for Defendant Federal Insurance Company